

CAUSE NO: CL-19-2292-H

CHRISTOPHER ROBERT BARRERA	§	IN THE COUNTY COURT
	§	
v.	§	AT LAW NO. _____
	§	
CITY OF PALMVIEW	§	HIDALGO COUNTY, TEXAS

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**PLAINTIFF'S ORIGINAL PETITION WITH DISCOVERY REQUESTS  
& JURY DEMAND**

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**NOW COMES, CHRISTOPHER ROBERT BARRERA**, Plaintiff herein, and files this, his Original Petition With Discovery Requests & Jury Demand, and would show unto the court as follows:

**Section 1**

**Discovery Control Plan**

**1.01** This case is filed pursuant to Section 190.4 (Level 3) of the Texas Rules of Civil Procedure.

**Section 2**

**Parties**

**2.01** Plaintiff, **CHRISTOPHER ROBERT BARRERA**, (hereinafter referred to as "Plaintiff") is a resident of Palmview, Hidalgo County, Texas.

**2.02** Defendant, **CITY OF PALMVIEW** (hereinafter referred to as "City of Palmview" or "Defendant" or "Employer") is a Texas governmental entity, and can be served with process by serving the City Secretary at the following address:

**CL-19-2292-H**

Annette Villarreal  
400 W. Veterans Blvd.  
Palmview, Texas 78572

**Section 3**

**Jurisdiction & Venue**

**3.01** Subject matter jurisdiction exists in this case because the amount in controversy exceeds minimal jurisdictional limits of this Court.

**3.02** The incident made the basis of this lawsuit occurred in Palmview, Hidalgo County, Texas. As such, venue is proper in Hidalgo County.

**3.03** Plaintiff seeks to recover all of his damages in an amount which the jury determines to be just and appropriate, based on the jury's discretion and judgment in its role as the trier of fact. In order to comply with the Supreme Court's requirement to state the range of damages, pursuant to Texas Rule of Civil Procedure 47(c), Plaintiff pleads that he anticipates at this time that the amount of damages he will request the jury to assess at trial will be more than \$200,000.00 but not more than \$1 million.

**Section 4**

**Exhaustion of Administrative Remedies**

**4.01** Plaintiff timely filed a Charge of Discrimination with the Texas Workforce Commission Civil Rights Division on June 20, 2018. See **Exhibit "A"** attached hereto.

**4.02** On or about March 6, 2019, Plaintiff received the Notice of Dismissal and Right to File a Civil Action from the Texas Workforce Commission Civil Rights Division. See **Exhibit "B"** attached hereto.

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**Section 5**

**Facts**

**5.01** Plaintiff, Christopher Robert Barrera ("Chief Barrera"), was employed by Palmview for approximately 23 years. Defendant, City of Palmview, terminated Chief Barrera based on false reasons. Defendant terminated Chief Barrera after he complained on March 16, 2018, of sexual harassment by City Manager Leonardo Olivares. Chief Barrera complained to Palmview Mayor Jerry Perez. Just weeks later, on or about April 23, 2018, Chief Barrera was terminated. His termination was retaliatory.

**5.02** At the time of his termination, Chief Barrera was age 47 (01/02/1971) at the time. Plaintiff also brings suit because his termination was motivated by unlawful age and gender/sex discrimination. Based on information and belief, Chief Barrera was replaced by a younger male. Younger employees benefits from better terms and conditions of work, including severance, than the Chief.

**Section 6**

**Causes of Action**

**6.01 Texas Labor Code Chapter 21.** Plaintiff asserts that Defendant violated Chapter 21 of the Texas Labor Code in that his termination was motivated by unlawful discrimination. Plaintiff seeks compensatory damages under Chapter 21.2585 of the Texas Labor Code. Furthermore, Plaintiff seeks costs, attorney's fees, including compensation for reasonable expert fees, under Chapter 21.259 of the Texas Labor Code.

**6.02 Adverse Personnel Actions.** The employment harms as contained in include: Discharge, Severance Pay, Terms & Conditions and Wages. The legal bases for the harms are contained in below in bold.

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**6.03** Plaintiff incorporates by reference the facts contained above, alleging the following causes of action which were motivated by unlawful age and gender discrimination based on Tex. Lab. Code §21.051, including: (1) Defendant's discharge was unlawful, (2) Defendant discriminated against Plaintiff "in any other manner in connection with compensation or the terms, conditions or privileged of employment"; (3) Defendant "limited, segregated and classified" Plaintiff "in a manner that deprived or tended to deprive him of employment opportunity;" and Defendant "limited, segregated and classified" Plaintiff "in a manner that adversely affected Plaintiff's status as Chief of Police."

**Section 7**

**Controlling Authority**

**7.01** An employer commits an unlawful employment practice if because of race, color, disability, religion, **sex**, national origin, or **age** the employer:

(1) fails or refuses to hire an individual, **discharges an individual**, or **discriminates in any other manner against an individual** in connection with compensation or the terms, conditions, or privileges of employment; or

(2) **limits, segregates, or classifies an employee** or applicant for employment in a manner that would **deprive or tend to deprive an individual of any employment opportunity** or **adversely affect in any other manner the status** of an employee.

**Section 8**

**Damages**

**8.01** As a result of acts and/or omissions as set forth above, Plaintiff sustained the following damages, including but not limited to:



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- (a) Back Pay;
- (b) Interest on back pay;
- (c) Compensatory damages, including future pecuniary losses, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, and other nonpecuniary losses;
- (d) Punitive damages;
- (e) Front Pay;
- (f) Interest on Front Pay;
- (g) Pre-judgment interest;
- (h) Post- judgment interest;
- (i) Cost of court/suit;
- (j) Reasonable expert fees; and
- (k) Attorney's fees.

**Section 9**

**Jury Trial**

**9.01** Concurrent with the filing of his Original Petition, Plaintiff applied for trial by jury and tendered the jury fee required by TEX. R. CIV. P. 216.

**Section 10**

**Exhibits**

**EXHIBIT A** Employment Discrimination Complaint Form;

**EXHIBIT B** Notice of Dismissal and Right to File a Civil Action; and

**EXHIBIT C** Plaintiff's First Set of Interrogatories, Requests for Production, Requests for Admission & Requests for Disclosure to Defendant.

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**Section 11**

**Prayer**

**11.01 WHEREFORE, PREMISES CONSIDERED**, Plaintiff prays that Defendant, **CITY OF PALMVIEW**, be cited to appear and answer in this cause, and that upon final trial hereof, Plaintiff recovers judgment against Defendant for him actual damages in amounts within the jurisdictional limits of this Court, for all damages respectively sustained by him as set forth above together with pre-judgment interest thereon at the maximum legal or equitable rate; for post-judgment interest on the amount of the judgment at the maximum rate allowed by law; for recovery of costs of court; and for such other and further relief, at law or in equity, to which he may show himself justly entitled.

Respectfully submitted,

**RUIZ LAW FIRM, P.L.L.C.**

118 West Pecan Blvd.

McAllen, Texas 78501

Telephone: (956) 259-8200

Telecopier: (956) 259-8203

**/s/ Mauro F. Ruiz**

Mauro F. Ruiz

State Bar No. 24007960

**e-File ONLY:** [admin@mruizlaw.com](mailto:admin@mruizlaw.com)

[mruiz@mruizlaw.com](mailto:mruiz@mruizlaw.com)

**ATTORNEY FOR PLAINTIFF**

MAURO F. RUIZ  
ATTORNEY AT LAW  
MRUIZ@MRUIZLAW.COM



RUIZ LAW FIRM

118 W. PECAN BLVD.  
MCALLEN, TEXAS 78501

TEL. (956) 259-8200  
FAX. (956) 259-8203

June 20, 2018

Via CM 7016 2070 0000 8301 4256, RRR

TEXAS WORKFORCE COMMISSION  
CIVIL RIGHTS DIVISION  
101 East 15<sup>th</sup> St., Room 144T  
Austin, Texas 78778-0001



Re: Employer: City of Palmview - Police Department  
Claimant: Christopher Robert Barrera

Dear Sir/Madam:

Enclosed please find the fully executed intake Questionnaire regarding the above matter.

Should you need any additional information, please do not hesitate to call me.

Sincerely,

RUIZ LAW FIRM, P.L.L.C.

*Mauro F. Ruiz*  
Mauro F. Ruiz

MFR/hlm  
Enclosure

CL-19-2292-H

7016 2070 0000 8301 4256

**U.S. Postal Service™**  
**CERTIFIED MAIL® RECEIPT**  
*Domestic Mail Only*

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

**OFFICIAL USE**

Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$ 6.67

Postmark Here

Sent To **TWCCRD**  
Street and Apt. No., or PO Box No. **101 E 15th St Room 144T**  
City, State, ZIP+4® **Austin TX 78778-0001**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY																
<ul style="list-style-type: none"><li>■ Complete items 1, 2, and 3.</li><li>■ Print your name and address on the reverse so that we can return the card to you.</li><li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li></ul>	<p>A. Signature <b>X</b> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) _____ C. Date of Delivery _____</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below</p> <p><b>TEXAS WORKFORCE COMMISSION</b> <b>JUN 25 2018</b> <b>101 E. 15th Street</b> <b>Austin, Texas 78778</b></p>																
<p>1. Article Addressed to:</p> <p><b>Texas Workforce Commission</b> <b>Civil Rights Division</b> <b>101 East 15th St., Room 144T</b> <b>Austin, Texas 78778-0001</b></p> <p>2. Article Number (Transfer from service label) <b>7016 2070 0000 8301 4256</b></p>	<p>3. Service Type.</p> <table border="0"><tr><td><input type="checkbox"/> Adult Signature</td><td><input type="checkbox"/> Priority Mail Express®</td></tr><tr><td><input type="checkbox"/> Adult Signature Restricted Delivery</td><td><input type="checkbox"/> Registered Mail™</td></tr><tr><td><input checked="" type="checkbox"/> Certified Mail®</td><td><input type="checkbox"/> Registered Mail Restricted Delivery</td></tr><tr><td><input type="checkbox"/> Certified Mail Restricted Delivery</td><td><input checked="" type="checkbox"/> Return Receipt for Merchandise</td></tr><tr><td><input type="checkbox"/> Collect on Delivery</td><td><input type="checkbox"/> Signature Confirmation™</td></tr><tr><td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td><td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td></tr><tr><td><input type="checkbox"/> Insured Mail</td><td></td></tr><tr><td><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</td><td></td></tr></table>	<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input checked="" type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery	<input type="checkbox"/> Insured Mail		<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	
<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®																
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™																
<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery																
<input type="checkbox"/> Certified Mail Restricted Delivery	<input checked="" type="checkbox"/> Return Receipt for Merchandise																
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™																
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery																
<input type="checkbox"/> Insured Mail																	
<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)																	

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

**EMPLOYMENT DISCRIMINATION COMPLAINT FORM**  
**Texas Workforce Commission Civil Rights Division** **CL-19-2292-H**

Please return this form by:  
 Mail: 101 East 15th Street, Guadalupe CRD, Austin, TX 78778-0001  
 Email: [EEOIntake@twc.state.tx.us](mailto:EEOIntake@twc.state.tx.us)  
 Telephone: (888) 452-4778 *or*  
 Fax: (512) 482-8465 (Please include a cover sheet with your name and the total # of pages)

TWCCRD# \_\_\_\_\_

EEOC# \_\_\_\_\_

*Please indicate if you have previously filed this complaint with any of the agencies below:*

- ☐ Texas Workforce Commission Civil Rights Division (TWCCRD)  
☐ Equal Employment Opportunity Commission (EEOC)  
☐ City of Austin Equal Employment and Fair Housing Office  
☐ Corpus Christi Human Relations Division  
☐ Fort Worth Human Relations Department

DATE RECEIVED (For Office Use Only):

Please be sure you provide all the information requested. For Assistance, send an E-mail to [EEOIntake@twc.state.tx.us](mailto:EEOIntake@twc.state.tx.us) or call us at (888) 452-4778. (Ofrecemos asistencia en Español)

**Complainant Full Name:**

Christopher Robert Barrera

**Address Line 1:** 1506 La Paloma Drive

**Address Line 2:**

**City/State/Zip:** Palmview, Texas 78572

**Home Phone #:**

**Other Phone #:**

**Email:**

**Complainant Representative (Optional):** *(If you are represented by an attorney, please have them submit a letter of representation):*

Mauro F. Ruiz and Ruiz Law Firm, PLLC

**Address Line 1:** 118 W. Pecan Blvd.

**Address Line 2:**

**City/State/Zip:** McAllen, Texas 78501

**Phone #:** (956) 259-8200

**Fax #:** (956) 259-8203

**Preferred Form of Contact: (Please check)**

☒ E-mail ☒ Telephone

[mruiz@mruizlaw.com](mailto:mruiz@mruizlaw.com) and [tbelez@mruizlaw.com](mailto:tbelez@mruizlaw.com)

**Date Hired:** 02/1995 **Position held:** Chief of Police  
**Still employed?** ☐ Yes ☒ No

**HR Personnel Officer/EEO Officer/or Highest Ranking Officer on work site:**  
 Geraldo LNU

**Name of Employer** *(Please be sure to give the complete Company name and address where you physically worked)*

City of Palmview - Police Department

**15 or more employees:**

☒ Yes ☐ No

**Company Address**

**Address Line 1:** 400 West Veterans Blvd.

**Address Line 2:**

**City/State/Zip:** Palmview, Texas 78572

**Phone #:** 956-432-0303

**Company Officer Address**

**Address Line 1:** 400 West Veterans Blvd.

**Address Line 2:**

**City/State/Zip:** Palmview, Texas 78572

**Phone #:** 956-432-0303

***BASIS:** I believe I have been discriminated against in violation of state law (Texas Labor Code, Chapter 21) and federal law (ADEA, GINA, Title VII, ADAAA), as follows:*

☒ **Age** *(You must be 40 years of age or older to qualify):*  
**Date of Birth:** 01 / 02 / 1971  
**Month/day/year**  
**Age at time of incident:** 47

☐ **Color** *(Based on skin color):*  
☐ Black  
☐ Brown  
☐ White  
☐ Other:

☐ **Disability:**  
☐ Disabled  
☐ History of disability  
☐ Regarded as disabled  
*(Pregnancy is NOT a disability unless you are regarded as disabled.)*

***Please mark only the basis you believe were the reasons you were discriminated.***

☐ **GINA**  
 (Genetic Information Non-discrimination Act)

☐ **National Origin:**  
☐ African-American  
☐ Anglo/Caucasian  
☐ East Indian  
☐ Hispanic  
☐ Mexican  
☐ Other:

☐ **Race:**  
☐ American Indian/Alaskan Native  
☐ Asian/Pacific Islander  
☐ Black  
☐ White  
☐ Other:

**EXAMPLE:** If your treatment was because of your race, then check only the box by your race.

☐ **Religion:**  
☐ Baptist  
☐ Catholic  
☐ Jewish  
☐ Muslim  
☐ Other:

☒ **Retaliation:**  
☐ Assisted another filing discrimination  
☒ Filed a complaint of discrimination  
☐ Participated in discrimination investigation.  
**ON THIS DATE:** 03 / 16 / 2018  
**Month/day/year**

☒ **Sex:**  
☐ Female  
☐ Female/Pregnancy  
☒ Male

**Employment Harms or Actions (Mark all that apply)**

**CL-19-2292-H**

- ☐ Demotion (D1)  
☒ Discharge (D2)  
☐ Discipline (D3)  
☐ Harassment (H1)  
☐ Firing (H2)

- ☐ Layoff (L1)  
☐ Promotion (P3)  
☐ Reasonable Accommodation (R6)  
☒ Severance Pay (B5)  
☐ Sexual Harassment (S4)

- ☐ Suspension (S5)  
☒ Terms & Conditions (T2)  
☐ Training (T4)  
☒ Wages (W1)  
☐ Other:

The following questions are regarding the employment harms or actions taken against you.  
 (Each incident must be within 180 days of the date you submit your complaint to the TWCCRD.)

**DATE(S) DISCRIMINATION TOOK PLACE (Month/Day/Year)**

Earliest (Month/Day/Year)

4 / 17 / 18

Latest (Month/Day/Year)

4 / 23 / 18

☐ CONTINUING ACTION

**Name and Position Title of person(s) who did the harm:**

Leonardo Olivares - City Manager

(If filing under race, color, national origin, religion, sex, age, please provide the race, color, national origin, religion, sex, or age of the person(s) discriminating against you:)

Male

**Did you complain of discrimination to your employer?** ☒ Yes ☐ No

If Yes, date of complaint: 03 / 16 / 2018 (Month/Day/Year)

**Name and Position Title of person(s) you complained to:**

Jerry Perez - City of Palmview Mayor

**Explain why you believe the employment harm(s) and/or action(s) were discriminatory:**

After I complained about same sex sexual harassment against Leonardo Olivares to Mayor Perez, Olivares began his unfair treatment against me at work. After serving in the capacity of Chief of the Palmview Police Department, City Manager Olivares terminated me in retaliation for having reported his unlawful sexual harassment to the Mayor. I was not given my vacation and sick time, while other younger terminated employees were given such benefits.

**Employer's reason for its action:**

The Disciplinary Action Form states I was terminated for the issues stated in Olivares' March 29, 2018 memo. I was terminated for "... multiple violations of the Public Safety Rules and Regulation Policy Manual, the Personnel Policy and Procedures Manual and other regulations."

**Are there other employees treated more fairly than you?** ☒ Yes ☐ No

If Yes, please provide the information below:

Full Name and Position Title	(If filing under race, color, national origin, religion, sex, and/or age, please provide the race, color, national origin, religion, sex, or age of the person(s) treated more fairly than you.)
Lucero Torres - ex police department secretary	30's - she was terminated and was given her vacation time. I was not given my vacation time when I was terminated.
Saul Uvalle - ex police department supervisor	40 year old - he was terminated and was given his vacation and sick time. I was not given my vacation and sick time when I was terminated.

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BEFORE ME, the undersigned authority, on this day personally appeared Christopher R. Barrera, who being duly sworn stated:  
My name is Christopher R. Barrera. I am over the age of twenty-one (21). I am of sound mind and fully capable of making this  
verification. I verify that the factual information contained in this Employment Discrimination Complaint Form (Form 1000) is both true and correct.  
Affiant further sayeth not.

Christopher R. Barrera  
Christopher R. Barrera

SUBSCRIBED AND SWORN TO BEFORE ME on the 20 day of June, 2018, to certify which witness my hand seal of office.  
T. Belez  
Notary Public, State of Texas

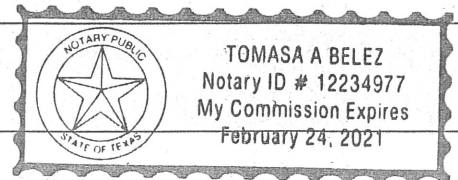
What are you seeking as a resolution to your case?

Monetary relief.

What is the most convenient method to contact you:

☒ Email: mruiz@mruizlaw.com & tbelez@mruizlaw.com

☒ Telephone: (956)259-8200



Christopher R. Barrera  
Signature

6/20/18  
Date



# Texas Workforce Commission

A Member of Texas Workforce Solutions

CL-19-2292-H

Ruth R. Hughes, Chair  
Commissioner Representing  
Employers

Julian Alvarez  
Commissioner Representing Labor

Robert D. Thomas  
Commissioner Representing the Public

Edward Serna  
Interim Executive Director

Christopher R. Barrera  
RUIZ LAW FIRM  
c/o Mauro F. Ruiz  
118 W. Pecan Blvd.  
McAllen, TX 78501



## NOTICE OF DISMISSAL AND RIGHT TO FILE CIVIL ACTION

Christopher R. Barrera v. CITY OF PALMVIEW

TWCCRD Charge No.	EEOC Charge No.	TWCCRD Representative:
1A181205	31C-2018-01277	Monica John

The Civil Rights Division has dismissed this Charge and is closing its file for the following reason:

- ☐ The facts alleged in the charge fail to state a claim under any of the statutes enforced by the TWCCRD.
- ☐ Your allegations did not involve a disability that is covered by the Americans with Disabilities Act or the Texas Labor Code, Chapter 21.
- ☐ The Respondent employs less than the required number of employees or not otherwise covered by the statutes.
- ☐ We cannot investigate your charge because it was not filed within the time limits required by law.
- ☐ Having been given 30 days in which to respond, you failed to provide information, failed to appear or be available for interviews/conferences, or otherwise failed to cooperate to the extent that it was not possible to resolve your charge.
- ☐ While reasonable efforts were made to locate you, we were not able to do so.
- ☐ You had 30 days to accept a reasonable settlement offer that afforded full relief for the harm you alleged. You failed to accept the full relief.
- ☐ The TWCCRD issues the following determination: Based upon its investigation, the TWCCRD is unable to conclude that the information obtained establishes any violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
- ☒ **Other: Right to Sue Request.**



Christopher R. Barrera v. CITY OF PALMVIEW  
TWCCRD Charge No: 1A181205  
EEOC Charge No. 31C-2018-01277

CL-19-2292-H

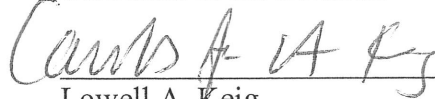
**NOTICE OF RIGHT TO FILE CIVIL ACTION**

Pursuant to Sections 21.208, 21.252 and 21.254 of the Texas Labor Code, as amended, this notice is to advise you of your right to bring a private civil action in state court in the above referenced case. **PLEASE BE ADVISED THAT YOU HAVE SIXTY (60) DAYS FROM THE RECEIPT OF THIS NOTICE TO FILE THIS CIVIL ACTION.** The time limit for filing suit based on a federal claim may be different.

**EEOC REVIEW NOTICE:**

As your charge was dual filed under Title VII of the Civil Rights Act/Age Discrimination in Employment Act/Americans with Disabilities Act, which are enforced by the U.S. Equal Employment Opportunity Commission (EEOC), you have the right to request an EEOC review of this final decision on your case. **To secure a review, you must request it in writing within fifteen (15) days from the date of the notice.** Send your request to: San Antonio EEOC, 5410 Fredericksburg Road, Suite 200, San Antonio, TX 78229.

On behalf of the Division



Lowell A. Keig  
Division Director

2-28-19  
Date

CITY OF PALMVIEW  
LAW OFFICES OF GUSTAVO L.  
ACEVEDO, JR.  
c/ o Gustavo L. Acevedo, Jr.  
814 Del Oro Lane  
Pharr, TX 78577

CL-19-2292-H

MAR 06 2019



CL-19-2292-H

CAUSE NO: \_\_\_\_\_

CHRISTOPHER ROBERT BARRERA	§	IN THE COUNTY COURT
	§	
v.	§	AT LAW NO. _____
	§	
CITY OF PALMVIEW	§	HIDALGO COUNTY, TEXAS

---

**PLAINTIFF'S FIRST SET OF DISCOVERY REQUESTS  
(INTERROGATORIES, REQUESTS FOR PRODUCTION, REQUESTS FOR  
ADMISSION & REQUESTS FOR DISCLOSURE) TO DEFENDANT**

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**TO: CITY OF PALMVIEW**, Defendant in the above-styled and numbered cause.

Pursuant to the Texas Rules of Civil Procedure, Plaintiff serves these Interrogatories, Requests for Production, Requests for Admissions and Requests for Disclosures upon you. The answers to interrogatories shall be made under oath, separately and fully in writing, the responses to the requests for production, requests for admissions, and requests for disclosures shall all be made within fifty (50) days after the service of same and be served on the undersigned counsel of record. Plaintiff also requests that Defendant continue to supplement his responses to these discovery requests as per the Texas Rules of Civil Procedure.

EACH OF THE FOLLOWING INTERROGATORIES AND REQUEST FOR PRODUCTION SHALL INCORPORATE THE FOLLOWING DEFINITIONS:

**DEFINITIONS:** These definitions shall have the following meanings, unless the context requires otherwise:

1. "Plaintiff," or "Christopher Robert Barrera" means Christopher Robert Barrera, his agents, representatives, and all other persons acting in concert with him, or under his control, whether directly or indirectly, including any attorney.
2. "Defendant," "City of Palmview" or "Defendant City of Palmview" means City of Palmview, it's agents, representatives, and all other persons acting in concert with it, or under it's control, whether directly or indirectly, including any attorney.
3. "You" or "your" means Defendant City of Palmview .
4. "Document(s)" means all written, typed, or printed matter and all magnetic or other records or documentation of any kind or description (including, without limitation, letters,

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correspondence, telegrams, memoranda, notes, records, minutes, contracts, agreements, records, or notations of telephone or personal conversations, conferences, inter-office communications, E-mail, microfilm, bulletins, circulars, pamphlets, photographs, facsimiles, invoices, tape recordings, computer printouts and work sheets, including drafts and copies not identical to the originals, all photographs and graphic matter, however produced or reproduced, and all compilations of data from which information can be obtained and any and all writings or recordings of any type or nature), in your actual possession, custody or control, including those in the possession, custody, or control of any and all present or former directors, officers, employees, consultants, accountants, attorneys, or other agents, whether or not prepared by you.

5. "File" means any collection or group of documents maintained, held, sorted, or used together, including, without limitation, all collections of documents maintained, held or stored in folders, notebooks, or other devices for separating or organizing documents.
6. "Communication" means any oral or written communication of which the Defendant has knowledge, information, or belief.
7. "Date" means the exact date, month, and year, if ascertainable, or if not, the best available approximation.
8. "Describe" or "identify," when referring to a person, means you must state the following:
  - a. The full name.
  - b. The present or last known residential address; & the present or last known office address and telephone numbers.
  - c. The present occupation, job title, employer, and employer's address at the time of the event or period referred to in each particular interrogatory.
  - d. In the case of any person other than an individual, identify the officer, employee, or agent most closely connected with the subject matter of the interrogatory, and the officer who is responsible for supervising that officer or employee.
9. "Describe" or "identify," when referring to a document, means you must state the following:
  - a. The nature (e.g., letter, handwritten note) of the document.
  - b. The title or heading that appears on the document.
  - c. The date of the document and the date of each addendum, supplement, or other addition or change.

- d. The identity of the author and of the singer of the document, and of the person on whose behalf or at whose request or direction the document was prepared or delivered.
  - e. The present location of the document, and the name, address, position or title, and telephone number of the person or persons having custody of the document.
- 10. The word “and” means “and/or.”
  - 11. The word “or” means “or/and.”
  - 12. The word “any” means “any and all.”
  - 13. “Event” or “incident”, unless otherwise indicated, means the event or incident made the basis of this lawsuit.
  - 14. “Time of incident” or “date of incident ” or “incident date” means the date and time of the incident made the basis of this lawsuit, on or about April 23, 2018.
  - 15. “Including” means including but not limited to.
  - 16. “Possession” means possession, custody, or control, and includes not only actual physical possession, but also constructive possession as defined by the Texas Rules of Civil Procedure.
  - 17. “Subject Incident” refers to the incident which occurred on April 23, 2018, the date of Plaintiff’s termination.
  - 18. “Relevant time period” refers from 2011 - to present.

Respectfully submitted,

**RUIZ LAW FIRM, P.L.L.C.**

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/s/ Mauro F. Ruiz

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**ATTORNEY FOR PLAINTIFF**

**REQUESTS FOR PRODUCTION**

**REQUEST FOR PRODUCTION NO. 1:**

Produce the complete personnel files, including performance evaluations, disciplinary actions and payroll of the following persons:

Christopher Robert Barrera;  
Leonardo Olivares;  
Jerry Perez;  
Lucero Torres;  
Saul Uvalle; and  
Any person(s) involved in the decision to terminate Plaintiff.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 2:**

Produce correspondence between you and the Texas Workforce Commission Civil Rights Division relating to charge of discrimination filed by Plaintiff against you.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 3:**

Produce documents you relied on to justify **not** placing Plaintiff on a performance improvement plan.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 4:**

Produce documents you relied on to justify the termination of Plaintiff.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 5:**

Trial exhibits. Tex. R. Civ. P. 192.5(c)(2) (Vernon 1999).

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 6:**

Written statements made by the Plaintiff in the possession, constructive possession, custody or control of Defendant or Defendant's attorney or anyone acting on Defendant's behalf.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 7:**

Oral statements made by Plaintiff which were either recorded or taped on an electronic device or recorder which are in the possession, constructive possession, custody or control of Defendant or Defendant's attorney or anyone acting on Defendant's behalf.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 8:**

Documents signed by Plaintiff in the possession, constructive possession, custody or control of Defendant or Defendant's attorney or anyone acting on Defendant's behalf.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 9:**

Documents used to impeach Plaintiff in the possession, constructive possession, custody or control of Defendant or Defendant's attorney or anyone acting on Defendant's behalf.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 10:**

Complete and fully audible duplicate audio tapes, video tapes, and electronic recordings of all statements given by or taken of the Plaintiff by the Defendant, or anyone acting on Defendant's behalf, including complete and legible transcripts.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 11:**

Claims, lawsuits, or requests to arbitrate filed by former employees of Defendant who alleged that Defendant engaged in gender and/or sex discrimination for the relevant time period (i.e. 2011 to present).

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 12:**

Employee manuals reflecting policies, practices and protocols in effect during April 23, 2018.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 13:**

Produce your EEOC policy manual in effect on April 23, 2018.

**RESPONSE:**



**REQUEST FOR PRODUCTION NO. 14:**

Produce personnel files of all those individuals identified in Interrogatory No. 2.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 15:**

Manuals identified by you in response to Interrogatory No. 5.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 16:**

Manuals identified by you in response to Interrogatory No. 6.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 17:**

Produce the personnel files of those identified in Interrogatory No. 7.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 18:**

Produce the personnel files of those identified in Interrogatory No. 11.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 19:**

Produce the personnel files for each person identified in Interrogatory No. 12.

**RESPONSE:**

**END OF REQUESTS FOR PRODUCTION**



INTERROGATORIES

**INTERROGATORY NO. 1:**

Identify all persons who assisted in answering the following interrogatories.

**ANSWER:**

**INTERROGATORY NO. 2:**

For each individual involved in the decision to terminate Plaintiff, please provide the following:

- a. Name;
- b. Title/Position;
- c. Work Address;
- d. Date of Birth; and
- e. Gender.

**ANSWER:**

**INTERROGATORY NO. 3:**

Explain the reason(s) Plaintiff was terminated.

**ANSWER:**

**INTERROGATORY NO. 4:**

Please state with reference to each job which the Plaintiff held while employed by the Defendant:

- a. The title and a description of each job;
- b. The dates worked;
- c. The monthly salary for each job;
- d. Yearly bonuses for each year;
- e. A description of the fringe benefits received for each job;
- f. Each supervisor's name, address, and title;
- g. A description of the duties of each job;
- h. A description of the requirements for each job; and
- i. Location(s).

**ANSWER:**

**INTERROGATORY NO. 5:**

Please identify the name of all manuals reflecting Defendant's employment practices used or maintained (during the relevant time period), including but not limited to manuals containing all employee hiring, discharge, lay-off, termination, promotion, job assignment, incentives, internet use, bonuses and pay scale policies.

**ANSWER:**

**INTERROGATORY NO. 6:**

For each reason articulated by Defendant in response to Interrogatory No. 3 justifying Plaintiff's termination, identify the policy violated by Plaintiff, providing the following information:

- a. Name of the manual(s);
- b. Chapter Title(s);
- c. Policy Name(s) and Section(s); and
- d. Page Number.

**ANSWER:**

**INTERROGATORY NO. 7:**

Identify the name, job title, job duties, age, gender, last day of employment, salary on last day of employment, home address, and home telephone number of each former employee of Defendant who has filed a sex and/or age discrimination lawsuit against Defendant during the relevant time period (2011-present).

**ANSWER:**

**INTERROGATORY NO. 8:**

Explain your progressive discipline policy in effect on April 23, 2018.

**ANSWER:**

**INTERROGATORY NO. 9:**

If you had a progressive discipline policy in effect on April 23, 2018, explain why Plaintiff did not qualify for progressive discipline, allowing Plaintiff to keep his job.

**ANSWER:**

**INTERROGATORY NO. 10:**

During the relevant time period, provide the names, addresses, telephone numbers and age of each person who has been afforded progressive discipline for any reason, including misconduct.

**ANSWER:**

**INTERROGATORY NO. 11:**

Describe the nature (including duties, pay/salary, benefits, etc.) of Plaintiff's employment with you.

**ANSWER:**

**INTERROGATORY NO. 12:**

For each person who assumed Plaintiff's job duties in whole or in part, provide each person's name, age, gender, and dates when duties were assumed.

**ANSWER:**

**END OF INTERROGATORIES**

**REQUESTS FOR ADMISSION**

**REQUEST FOR ADMISSION NO. 1:**

Admit that the Defendant was Plaintiff's employer from February 1995 to April 23, 2018.

**RESPONSE:**

**REQUEST FOR ADMISSION NO. 2:**

Admit Plaintiff was a full-time employee of Defendant during 2018.

**RESPONSE:**

**REQUEST FOR ADMISSION NO. 3:**

Admit Plaintiff timely filed his charge of discrimination.

**RESPONSE:**

**REQUEST FOR ADMISSION NO. 4:**

Admit Plaintiff exhausted his administrative remedies.

**RESPONSE:**

**REQUEST FOR ADMISSION NO. 5:**

Admit the County Courts at Law of Hidalgo County have subject matter jurisdiction over this matter.

**RESPONSE:**

**REQUEST FOR ADMISSION NO. 6:**

Admit proper venue for this action lies in Hidalgo County, Texas.

**RESPONSE:**

**REQUEST FOR ADMISSION NO. 7:**

Admit Plaintiff was terminated on April 23, 2018.

**RESPONSE:**

**REQUEST FOR ADMISSION NO. 8:**

Admit Plaintiff was over age 40 at the time of his termination from Defendant.

**RESPONSE:**

**REQUEST FOR ADMISSION NO. 9:**

Admit Plaintiff is part of a protected class.

**RESPONSE:**

**REQUEST FOR ADMISSION NO. 10:**

Admit you replaced Plaintiff with a person under the age of 30.

**RESPONSE:**

**REQUEST FOR ADMISSION NO. 11:**

Admit you replaced Plaintiff with a person under the age of 40.

**RESPONSE:**

**REQUEST FOR ADMISSION NO. 12:**

Admit Plaintiff is male.

**RESPONSE:**

**REQUEST FOR ADMISSION NO. 13:**

Admit Plaintiff was replaced by a male under age 40.

**RESPONSE:**

**REQUEST FOR ADMISSION NO. 14:**

Admit a male under age 40 assumed the job duties of Plaintiff after his termination.

**RESPONSE:**

**REQUEST FOR ADMISSION NO. 15:**

Admit a female under age 40 assumed some of the job duties of Plaintiff after his termination.

**RESPONSE:**

**END OF REQUESTS FOR ADMISSION**

**REQUESTS FOR DISCLOSURE**

Plaintiff requests that Defendant respond to Tex. Rule of Civ. Proc. 194.2 (a) - (l) by no later than fifty (50) days after being served.